

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

FEB 09 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

In Re Gregory K Clinton — PETITIONER
(Your Name)

ON PETITION FOR A WRIT OF MANDAMUS

PETITION FOR WRIT OF MANDAMUS

Gregory K Clinton
(Your Name)

Po Box 6000
(Address)

Glennville WV 26351
(City, State, Zip Code)

Unavailable
(Phone Number)

RECEIVED

MAR 21 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Tracking No. 7022 2410 0003 5359 9303

QUESTION(S) PRESENTED

1. ARE Federal Chief Judges allowed to Violate their Oath of Office? (Judiciary Act of 1789 Section 8)
2. Are federal Chief Judge Allowed to Violate the US Constitution Article III Section 1? (Good Behavior)?
3. If another Magistrate Judge concludes in a Report AND Recommendation that a Chief Judges Actions ARE ERRONEOUS AND INJURIOUS AND THAT HE/SHE EXERCISE OF AUTHORITY IS FLAWED BY THE COMMISSION OF GRAVE PROCEDURAL ERRORS IS THAT A VIOLATION OF ARTICLE III SECTION 1 AND IS THAT AN ACT OF TREASON? IS Judge Groh ABOVE THE LAW?
4. CAN A TERMINATED, COURT be put on A JUDGEMENT ORDER Two day AFTER it WAS TERMINATED?
5. ARE you going to disregard the documented FACTS put BEFORE you?
6. Do federal Courts Abide and adhere to the US Constitution Article III Section I?
7. CAN two INDICTMENTS be active at the SAME TIME?

QUESTIONS PRESENTED - CONTINUED.

8. According to Fed R Crim P. Rule 48(a) is document 40 the Superseding Indictment in case No 3:17-cr-8 A BARRED DOCUMENT WHEN FILED?

9. If Document 40, stated Above is a BARRED document and Count 1 is Terminated, What Counts ARE Gregory K Clinton guilty of?

IF

10. Judge Groh stopped Acting in "Good Behavior" when she allowed a BARRED DOCUMENT to be filed in her Court Document 40 Filed 3/21/2017, SINCE 3/21/2017 ARE [ALL] Judge Groh's ORDERS, JUDGEMENT ORDERS, OR DECREES VOID? (I.E. IN EVERY CASE for the last 6 1/2 years?) (Extra-Extraordinary)

11. Will the Supreme Court have Chief Judge GINA M. Groh disbarred and/or ARRESTED and CHARGED accordingly for her ERRONEOUS ACTIONS? (Extraordinary)

12. When will I BE RELEASED? IF Gregory K Clinton PRO SE.

13. Will the Supreme Court Award Gregory K Clinton PRO SE the DAMAGE AMOUNT RE his 3:17-cv Civil Complaint No 5:22-CV-230? (Full Amount) \$210 Million Dollars

NOTE: This may seem like a lot on face value but the Supreme Court must take in account ~~all~~ all of Judge Groh's ERRONEOUS, FLAWED, GROSS BAD FAITH, MALICIOUS AND INJURIOUS ACTIONS for 6 1/2 years and FRAUD! 2 A, (AND her CONSPIRERS)

Fraudulent Acts and Procedural Errors (Questions Identified (Extraordinary Acts))

1. Filing the Superseding Indictment Document 40 in her court on 3/21/2017 without the Original Indictment Vacated on 3/21/2017 filed 11/8/2017. Violation Fed R. Crim P Rule 47(c) is this correct?

2. Termination of Count 1 on 8/27/2018 Four Months After trial, Trial Ends 4/19/2018, without the Jury Knowing is this correct?

3. Removal of Count 1 from Docket Text 4 Months after ~~trial~~ sentencing 4/8/2023 See Appendix C Is this correct?

4. Violation of Auth of Office Judiciary Act of 1789 Sec. 8 See page 9H, is this correct? And 9I and 10A

5. Violation of US Constitution Article III Sec. 1 see page 9H, is this correct and 9I and 10A

6. ~~Sign~~ Giving Judgment Order 205 Case No 3:17cr-5 With the Permitted Count 1 on it, is this correct?

7. Over 470 Acts of Fraud See Docket Text Case No 3:17cr-5, is this correct?

8. Signing Judgment Orders in a Estimated over 180 Cases from 3/21/2017 until present date (All Void) See page 9H (All Acts of Terrorism) is this correct? Also 9I and 10A See Appendix of Judicial Power Appendix E page 2058

9. Does the Supreme Court think I should be made to do 21 years and 10 months for Judge Coch's Fraudulent Actions? 2 (B)

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- [] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

- 1 Clinton v. Riley No. 3:20-CV-00151 (NDW, Va Sept, 30 2020)
- 2 Clinton v Wolfe 3:20-CV-00058 (NDW, Va, Apr. 21, 2021)
- 3 Clinton v. Grant 3:20CV-178 (NDW VA, Sept 18, 2020)
- 4 Clinton v. Chumley No. 5:22-CV-241 (NDW, VA Oct, 3, 2022)
- 5 Gregory K. Clinton v. Gina M. Gich 5:22-CV-00230 TEJ-CAE, Pending

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APPENDIX F	<u>Original Indictment Terminated</u> <u>Count 1</u> 
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TABLE OF AUTHORITIES CITED

CASES

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STATUTES AND RULES

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[REDACTED]	9 H

IN RE SHARED MEMORY GRAPHICS, LLC, 659 F.3d 1336 (Fed Cir 2011) Remedy of MANAMUS is available in extraordinary situation to correct a clear abuse of discretion or usurpation of Judicial power. SEE PAGES 9D, 9E, 9F, 9FCA) AND 9(G)

OTHER

SEE Fed R Crim P. Rule 36 TE (Notice)
 At ANYTIME the COURT CONSIDERS. 9 N
 SEE CASE LAW U.S. v. Douglas Bal Appendix C 16 OF 16

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF MANDAMUS

Petitioner respectfully prays that a writ of mandamus issue.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☒ reported at 04-22-90179 / 04-22-90189; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☒ reported at 1:22-MC-49; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was July 31, 2019. MANDATE ECF No. 302
8:17-cr-5

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

III.5. Constitution Article III Section 1

and Judiciary Act of 1789 Section 8

2. Federal Rule Civil Procedure 60(b) (1), (2), (3), (4)
(5) and (6)

3. 14th Amendment "Due Process"

Statutory Provision

4. Smith v. Smith, 539 Fed 736 (4th Cir 2009) Liberal
construction of the pleadings is particularly appropriate where there is a pro se complaint raising
civil rights issues.

Note: Collusion - An agreement between two or more
persons to defraud a person of his rights by forms
of law, or to obtain an object forbidden by law.
It implies the existence of fraud of some kind,
the employment of fraudulent means, or of lawful
means for the accomplishment of a unlawful
purpose.

5. Shared Memory Graphics LLC 659 Fed 1336
(Fed. Cir 2011) Extraordinary situation, usurpation
of judicial power # 8

STATEMENT OF THE CASE

ALLIED CHEMICAL CORP. V. DAIFLOW INC 449 U.S. 33, 66 L.Ed.2d 193, 101 S.Ct. 188 (1980) REMEDY OF MANDAMUS IS A DRASTIC ONE, TO BE INVOKED ONLY IN EXTRAORDINARY SITUATIONS.

IN CASE §1983 CIVIL COMPLAINT DOCUMENT 43 APPENDIX E AND PAGES 9D AND 9E FILED 11/23/2022 NO. 5:22-CV-230, THE ACTIONS OF A CHIEF JUDGE GINA M. GICH OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF WEST VIRGINIA MARTINSBURG ARE EXPLAINED BY MAG. JUDGE CHERYL A. EITZEL ASSIGNED TO CASE BY CHIEF JUDGE THOMAS E. JOHNSON BOTH OF THE UNITED STATES DISTRICT COURT FOR THE NORTHER DISTRICT OF WEST VIRGINIA WHEELING JUDGE JOHNSON WAS ASSIGNED TO §1983 CIVIL COMPLAINT BY CHIEF JUDGE ROGER GREGORY OF THE FOURTH CIRCUIT COURT OF APPEALS BECAUSE 25 JUDICIAL COMPLAINTS HAVE BEEN FILED AGAINST JUDGE GICH SEE APPENDIX A. BOTH THE DISTRICT COURT AND THE FOURTH CIRCUIT COURT OF APPEALS THINK PETITIONER ACTIONS ARE FRIVOLOUS AND MEANINGLESS UNTIL THE §1983 CIVIL COMPLAINT WAS FILED AND DOCUMENT 43 WAS

NOTE: PASSES THE 5 FACTOR TEST SEE WILL V. U.S. 389 U.S. 390 (1967) 1. RELIEF 2. COURT ORDER 3. ERRORS 4. DISREGARD FOR RULES AND 5. IMPORTANT LAW

STATEMENT - CONTINUED -

Writ of Mandamus
Supreme Court

COMPOSED BY MAGISTRATE JUDGE CHERYL A. EITERT ON PAGE 50 OF 8 PAGE ID# 210 SHE STATES "EVEN IF THE JUDICIAL ACT ALLEGEDLY WAS DONE MALICIOUSLY, CORRUPTLY, OR IN BAD FAITH AND NO MATTER HOW ERRONEOUS AND HOWEVER INJURIOUS IN ITS CONSEQUENCES [THE JUDICIAL ACT IS "OK." IT ALSO SAYS JUDGE GROH HAS COMMON LAW IMMUNITY THE MEANING BECAUSE JUDGE GROH IS WHITE, WHICH IS TOTALLY FALSE, BECAUSE ALL COMMERCIAL LAW IS CIVIL UNDER THE UCC AND IT HAS NEVER BEEN A SEPARATE COMMON LAW IN COMMERCE. MAGISTRATE JUDGE EITERT ON PAGE 60 OF 8 PAGE ID# 211 STATES THAT JUDGE GROH'S EXERCISE OF AUTHORITY IS "FLAWED" BY THE COMMISSION OF "GRAVE" PROCEDURAL ERRORS IN CASE NO. 3:17-cr-5 Example: THE ORIGINAL INDICTMENT, COUNT 1 WAS NOT TERMINATED UNTIL 8/27/2018 IN OPEN COURT WITHOUT A WRITTEN ORDER BY THE U.S. ATTORNEYS SEE DOCUMENT 38 PAGE 130 + 16, PAGE ID# 219 WHERE JUDGE GROH HERSELF STATES "THE GOVERNMENT DID NOT MOVE TO DISMISS COUNT ONE OF THE ORIGINAL INDICTMENT," BUT LETTER DATED JANUARY 3, 2020 BY DEPUTY CLERK T. GREGORY OF THE CLERK'S OFFICE IN WHEELING WV CONFIRMS DISMISSAL BY ORAL MOTION AND THE SEE PAGE [REDACTED] Note: Flawed - MEANS "SOILED" GRAVE - MEANS "SERIOUS"

Writ of Mandamus Supreme Court

STATEMENT-CONTINUED-

TERMINATION of Count 1 on 8/27/2018 but the Court Order Document 38 CASE 3:17-CV-58 composed by Chief Judge Ginn M. Groh contradicts Court Record by T. Gregory Deputy Clerk. The Supreme Court has to explain I hope why a Terminated Count 1 is still on Document 205 CASE No. 3:17-cr-5 Filed 8/29/2018 two days after it was Terminated neither the District Courts or the Court of Appeal will explain this fact, The Supreme Court also has to look at Article III Section I of the US Constitution, states the JUDICIARY POWER VESTED by Congress CAN ONLY BE VESTED in SUPREME and inferior Court judges to conduct duties during "Good Behavior" what Mag. Judge Eibert has explained at Judge Groh's Action in case No 3:17-cr-5 ARE ERRONEOUS AND FLAWED by GRAVE PROCEDURAL ERRORS. This cannot be "Good Behavior" and the Judicial Power CANNOT be VESTED in her from 1/18/2017 thru present day because Document 205 still has a Terminated Count 1 on it, So All Judge Groh's, Judgement, Judgment Orders and Decrees ARE "Void." Until Document 205 CASE No 3:17-cr-5 is CORRECTED or VOIDED SEE DOCUMENT 205 page 8 of 11 And [REDACTED]

Writ of Mandamus Supreme Court

STATEMENT - CONTINUED -

THE DISTRICT COURTS AND THE COURT OF APPEALS ARE DEADLOCKED AND DOING NOTHING JUST SITTING ON THESE THREE CASES. CIVIL ACTION 22-6493 WAS FILED AS A HABEAS CORPUS ON 6/10/2022 THAT TIES TO 3:21-CV-58 AND §1983 CIVIL COMPLAINT WAS FILED ON 9/26/2022. THIS IS A CONSTITUTIONAL ISSUE THAT THE DISTRICT COURTS AND THE COURT OF APPEALS DO NOT WANT TO ANSWER BECAUSE THE VIOLATION OF ARTICLE III SECTION 1 IS UNREBUTTABLE TO FAVOR CHIEF JUDGE GINA M. GIORI. HER ACTIONS ARE DOCUMENTED IN DOCUMENT 43 §1983 CIVIL COMPLAINT 5:22-CV-230 AND HER OATH OF OFFICE THE JUDICIARY ACT OF 1789 SECTION 8, WHERE EVERY JUDGE SUPREME OR INFERIOR SWEARS TO GOD TO AGREEABLY OBEY THE US CONSTITUTION, AND JUDGE GIORI SIMPLY PUT DID NOT HONOR HER DUTY AS A CHIEF FEDERAL JUDGE DURING CASE NO 3:17-cr-5. REQUEST THE SUPREME COURT TO VACATE OR DISMISS DOCUMENT 40 FILED 3/21/2017 CASE NO 3:17-cr-5 AND RELEASE PETITIONER GREGORY K CLINTON FROM MARSHALL CUSTODY FROM FCI GILMER FEDERAL TERRITORY. THE COURT DID NOT HAVE JURISDICTION OR SUBJECT MATTER JURISDICTION IN CASE NO 3:17-cr-5 BECAUSE THE JUDICIAL POWER VESTED BY CONGRESS, CANNOT BE VESTED IN CHIEF GINA M. GIORI WHO IS NOT ACTING IN "GOOD BEHAVIOR" IN CASE 3:17-cr-5.

STATEMENT
- CONTINUED -

NOTE, THIS A § 1983 CASE "NOT BIVENS"

Stephens v. Herring, 827 F. Supp. 359, 365 (E.D. Va. 1993). This is true even if the

judicial act allegedly was done maliciously, corruptly, or in bad faith, *King v. Myers*,
973 F.2d 354, 356 (4th Cir. 1992) (citations omitted), and no matter "how erroneous"
"EXTRAORDINARY"

the act may have been, and however injurious in its consequences [the judicial act] may
have proved to the plaintiff." *Cleavinger v. Saxner*, 474 U.S. 193, 199–200 (1985)

(quoting *Bradley v. Fisher*, 80 U.S. 335, 347 (1871)). "Few doctrines were more solidly
established at common law than the immunity of judges from liability for damages for
acts committed within their judicial jurisdiction." *Cleavinger*, 474 U.S. at 499–500

(quoting *Pierson*, 386 U.S. at 553–554). "Judicial immunity is an absolute immunity:

it does not merely protect a defendant from assessment of damages, but also protects

a judge from damages suits entirely." *Lemon v. Hong*, No. CV ELH-16-979, 2016 WL

3087451, at *4 (D. Md. June 2, 2016) (citing *Mireles v. Waco*, 502 U.S. 9, 11 (1991)).

There are only two conditions in which judicial immunity does not apply to bar
a civil rights claim: (1) if the judge acted in the "clear absence of all jurisdiction" or (2)
the judge's action was not a "judicial act." *Stump v. Sparkman*, 435 U.S. 349, 356–57
(1978); *King*, 973 F.2d at 356–57. Under the first condition, "[a] distinction is drawn
between acts that are performed in 'excess of jurisdiction' and those performed in the
'clear absence of all jurisdiction over the subject-matter,' with the former type of act
accorded immunity." *Id.* Therefore, the question is "whether at the time [the judge]
took the challenged action he had jurisdiction over the subject matter before him, and,
in answering that question, the scope of the judge's jurisdiction must be construed
broadly." *Id.* at 357 (internal quotations and markings omitted).

As to the second condition, in determining whether the act at issue was a
"judicial act," the court examines "whether the function is one normally performed by

ERRONEOUS MEANS - WRONG, INCORRECT
FLAW MEANS - A MARK OR FLAW THAT SPOILS SOMETHING

STATEMENT - CONTINUED -

NOTE: Accepted by the Court
A STATE CIVIL SUIT.

a judge, and whether the parties dealt with the judge in his or her judicial capacity." *Id.*

Notably, "the absolute immunity extended to a judge performing a [#] [#] judicial action is not in any way diminished even if his or ^{"Extraordinary"} her exercise of authority is flawed by the commission of grave procedural errors." *Id.* Such "errors do not render the act any less judicial, nor permit a determination that the court acted in the absence of all jurisdiction." *Id.*

Clinton complains about a wrongful forfeiture of his property related to a criminal proceeding, about rulings Judge Groh made in his criminal and civil actions, and about documents filed in his cases. Clearly, all of the alleged wrongdoing by Judge Groh fell squarely within her role as a presiding judge. Clinton attempts to escape the litigation bar he faces by claiming that Judge Groh played some role in having him placed in administrative detention at Federal Correctional Institution Gilmer. (ECF No. 9-10 at 1). However, Clinton alleges no facts to support his accusation, and rank speculation is insufficient to state a plausible claim. *Twombly*, 550 U.S. at 555.

Finally, in regard to Clinton's request for resentencing or release from custody, such relief is not available in a civil rights action. *Preiser v. Rodriguez*, 411 U.S. 475, 479 (1973). As Clinton is well aware from his numerous other filings¹, he must seek that type of relief in a habeas action. Therefore, the undersigned **FINDS** that Clinton's complaint is barred by the doctrine of judicial immunity and otherwise fails to state a

NOTE: Magistrate Judge Eiert Validates the following cases.

¹ See *Clinton v. Riley*, No. 3:20-cv-00151 (N.D.W. Va. Sept. 30, 2020), at ECF No. 19, for a review of Clinton's criminal action, appeal, motion for acquittal, motion for return of property, his two § 2255 motions, and § 2241 motion, all of which touch on similar subject matter as is asserted in this complaint. In addition to the criminal and civil actions discussed in *Riley*, Clinton filed an additional § 2241 petition attacking the same criminal convictions as addressed herein. *Clinton v. Wolfe*, No. 3:21-cv-00058 (N.D.W. Va. Apr. 21, 2021). Clinton also has filed multiple civil rights complaints in this district, some of which address the same or related matters. See, e.g., *Clinton v. Grant*, 3:20-cv-178 (N.D.W. Va. Sept. 18, 2020); *Clinton v. Chumley*, No. 5:22-cv-241 (N.D.W. Va. Oct. 3, 2022).

NOTE: Magistrate Eiert Contradicts her description of Chief Judge Gina M. Groh as you can see. Because of Article III Section 1 of the US Constitution - "Good Behavior Clause. I guess she forgot about it, but, I did NOT. 9E NEW EVIDENCE

STATEMENT CONTINUED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA

Gberyl Deao Riley
Clerk of Court

OFFICE OF THE CLERK OF COURT
POST OFFICE BOX 471
WHEELING, WEST VIRGINIA 26003
(304) 232-0011
Facsimile (304) 233-2185

Michelle Widmer-Eby
Chief Deputy Clerk

January 3, 2020

Gregory Keith Clinton #03226-087
GILMER
32 - Room 303
FEDERAL CORRECTIONAL INSTITUTION
Inmate Mail Parcels
P.O. BOX 6000
GLENVILLE, WV 26351

Dear Mr. Clinton:

"Extraordinary"

The court is in receipt of your letter dated 12/30/2019. There is no written dismissal order dismissing count 1 of your indictment. It was done orally, in open court, during your sentencing hearing held on 8/27/2018. However, it is reflected on page three of your docket sheet which I have included below.

Terminated Counts

UNLAWFUL TRANSPORT OF FIREARMS, ETC.

(1)

Disposition

Dismissed by USA

I hope this clarifies the issue for you.

Very truly yours,

/s/ T. Gregory

T. Gregory
Deputy Clerk

P.O. Box 2857
Clarksburg, WV 26302
(304) 622-8513

P.O. Box 3518
Elkins, WV 26241
(304) 636-1445

217 W. King Street
Martinsburg, WV 25401
(304) 267-8225

Statement - Continued -

Terminated Counts

UNLAWFUL TRANSPORT
OF FIREARMS, ETC.
(1)

Disposition

dismissed by USA

Highest Offense Level (Terminated)

Felony

Complaints

None.

Disposition

Plaintiff

USA

represented by **David J. Perri**

U.S. Attorney's Office - Whg
PO Box 591

Wheeling, WV 26003

304-234-0100

Fax: 304-234-0111

Email: David.Perri@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: United States
Attorney

*Note: I'm just trying to get a
TERMINATED COUNT REMOVED
from DOCUMENT 205 Case No 3:17-cr-5
that's already adjudicated it's
not that complicated. SEE page
9 G*

L. Danae DeMasi-Lemon

U.S. Attorney's Office -

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: United States
Attorney

STATEMENT-CONTINUED - UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA

v.

GREGORY KEITH CLINTON

JUDGMENT IN A CRIMINAL CASE

Case Number: 3:17CR5

USM Number: 03226-087

Nicholas F. Colvin

Defendant's Attorney

THE DEFENDANT:

- ☐ pleaded guilty to count(s) _____
- ☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.
- ☒ was found guilty on count(s) One (1) through Five (5)
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

"Extraordinary"

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. §§ 922(g)(1), 924(a)(2), and 924(e)	Unlawful Possession of a Firearm	07/03/2016	One
21 U.S.C. § 844	Possession of Cocaine Base, Also Known as "Crack"	07/03/2016	Two
21 U.S.C. § 844	Possession of Cocaine Hydrochloride, Also Known as "Coke"	07/03/2016	Three

☒ See additional count(s) on page 2

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____
- ☐ Count(s) _____ is/are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

August 27, 2018

Date of Imposition of Judgment

Gina M. Groh
Signature of Judge

Honorable Gina M. Groh, Chief United States District Judge

Name and Title of Judge

August 29, 2018

Date

(96)

Note: by including Count 1 this is an Act of

Fraud Count 1 Terminated

8/29/2018 SEE PAGE

by ILLEGAL

ORA / Motion SEE CIVIL PROCEDURE ERROR PAGE

NOTE: The Supreme Court must understand that there
over 450 entries in Docket Text in case No. 3:17-
5 and each entry is an Act of FRAUD.
Statement-Continued-

Legislative courts (non-Article III courts) have no
subject-matter jurisdiction over offenses that occur
outside of Federal Territories or other property under
the concurrent or exclusive jurisdiction of the Federal
Government. Article III courts, on the other hand, are
simply authorized to take jurisdiction of the subject-matter.
They extend the judicial power of the United States to all
cases and controversies arising under the Constitution and
Laws of the United States occurring within the several
States, including the High Seas (This of course
is qualified by the limitations on the powers)

As the Supreme Court recently stated, "[A] law beyond the power
of Congress, for any reason, is no law at all."
Carol Anne Ball v. United States, 131 S.Ct.
2355 (2011). The Supreme Court stated this.

We cannot be free from control of the Executive
and Legislative Branches of the Federal Government
if the courts we are being prosecuted in are legislative
courts (non-Article III) and the prosecutor is from
the Executive of the Federal Government. The union of
the words of Mr. Madison, "The very definition of
Tyranny," Federalist No. 47 as Thomas Jefferson
says, "precisely the definition of a despotic government"

NOTES ON VIRGINIA, 1957.
94

United States Constitution

Statement - Continued - Article III Section I

The "Judicial Power" of the United States shall be vested in one supreme court and in such inferior courts as Congress may from time to time ordain and establish. The Judges of the Supreme and inferior Courts shall hold offices during Good Behavior.

"Judiciary Act" of 1789 Sec. 8

And be it further enacted That the justices of the Supreme Court and the District Judges be fore they proceed to execute duties of their respective offices shall take the following oath or affirmation, That I do solemnly swear or affirm, that I will administer "Justice" without respect to persons and do equal right to the poor and to the rich and that I will faithfully and impartially discharge and perform all the duties incumbent on me as according to the Best of my abilities and understanding agreeable to the Constitution of the United States "So help me God"

- Redacted -

STATEMENT - CONTINUED-

Rule 60(b) authorizes the Court to relieve a party from a final judgment for any of six enumerated reasons. Fed. R. Civ. P. 60(b). The six grounds upon which relief can be granted are:

- 
- (1) mistake, inadvertence, surprise, or excusable neglect;
 - (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
 - (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
 - (4) the judgment is void;
 - (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
 - (6) any other reason that justifies relief.

Fed. R. Civ. P. 60(b).

The Petitioner's argument most likely falls under Rule 60(b)(1) because the Petitioner requests that this Court enter a "correct" ruling, implying that a mistake had been made. However, the Petitioner does not provide any argument or detail as to the error made in the Court's prior denial decision. Instead, the Petitioner rehashes arguments made in his petition and requests that his petition be adjudicated promptly. Because the Petitioner does not identify any error made in the Court's Order Denying Motion as Premature [ECF No. 20] and because this Order rules on his pending petition, the Petitioner's Motion to Compel Summary Judgment [ECF No. 25] is **DENIED** as **MOOT**.

E. Petitioner's Motion to Correct Sentence

On January 19, 2022, after the R&R was entered in this case, the Petitioner filed a Motion to Correct Sentence. ECF No. 29. Therein, the Petitioner reiterates arguments

STATEMENT - CONTINUED -

THE SUPREME COURT MUST BE AWARE OF THE SUBTLETY by the District Courts and the Fourth Circuit Court of Appeals in all these Documents. Document 304 Filed 8/02/2019 Case No. 3:17-cr-00005-GMG-RWT; Document 65 Filed 01/11/2021 Case No 3-20-CV-00073-GMG-RWT; Document 305 Filed 8/07/19 Case No 3:17-cr-00005-GMG; Document 26 Filed 1/10/2022 Case No. 3:21-CV-00038-GMG; Document 182 Filed 4/19/2018 Case No 3:17-cr-00005-GMG-RWT. (NOTE: how could the JURY KNOW ON 4/19/2018 if Count 1 was Terminated on 8/27/2018)? (SEE Document 43 § 1883 Civil Complaint page 6 of 8) "GRAVE PROCEDURAL ERROR" All these Document do NOT CONVEY A TERMINATED Count 1, composed by a Chief Judge Acting in "Bad Faith" AND NOT "GOOD BEHAVIOR" SEE Page 9 I Article III SECTION 1 US Constitution. Chief Judge GINA M. G. DOES NOT HAVE THE JUDICIAL AUTHORITY to issue Judgements, Judgment Orders or Decrees until her ERRONEOUS Act in 3:17-cr-5 putting A TERMINATED Count and signing it until Count 1 is removed from Document 205 Case No 3:17-cr-00005-GMG-RWT Filed 8/29/2018 two days AFTER it WAS TERMINATED. PLEASE CORRECT THIS GRAVE ERROR. SEE: Page 9 F 9 K "CLEAR ABSENCE OF JURISDICTION" STAMP V. SPEAKMEN

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG

FILED

UNITED STATES OF AMERICA,

APR 19 2018

Plaintiff,

U.S. DISTRICT COURT-WVND
MARTINSBURG, WV 25401

v.

CRIMINAL ACTION NO.: 3:17-CR-5
(GROH)

GREGORY CLINTON,

Defendant.

VERDICT

(Count One)

As to Count One, Unlawful Possession of a Firearm, on or about July 3, 2016, in Jefferson County, West Virginia, in violation of Title 18, United States Code, Section 922(g)(1),

We the jury, on the issue joined, find beyond a reasonable doubt that the defendant, GREGORY KEITH CLINTON, is

GUILTY ✓

NOT GUILTY _____

Rule 36 Fed R. Civ. P. provides that "After giving any notice it considers appropriate, the court may at any time correct error in a judgment, order, or other part of the record or correct an error in the record arising from an oversight or omission, with which Judge Grah has done with document 38 filed 4/08 1202. Page 1306 is Page 10# 219. "Copy included in this appeal. It is very clear that Judge Grah still wants to overlook the Double Jeopardy Clause because no action has been taken to Bar it from case No. 3:17-cr-5. See Case Law United States v. Crews 532 F.2d 1182. 1183. 1184. 1185 and the Sixth Amendment afford a defendant in a criminal trial the right to be tried in the state and district where the alleged crime occurred. However the Sixth Amendment also provides the right to a fair trial before an impartial jury. "That's due process" but now over 4 years after the jury's dismissal, it admits to an error and the violation of the Double Jeopardy Clause that would Bar Document 40 filed 3/21/2017 that the jury voted on Document 182 filed 4/19/2018 and Document 183 filed 4/19/2018 both in Case No. 3:17-cr-5. The court wants to cover-up it's fraudulent Actions and it's Malfeasance, by now admitting to a error (FRAUD 0045)

REASONS FOR GRANTING THE PETITION

Chief Judge Gina M. Groh of The United States District Court for the Northern District of West Virginia has committed malfeasance. Verified by Federal Magistrate Judge Cheryl A. Eifert of the United States District Court for the Northern District of West Virginia Wheeling in Document 43 Filed 11/23/2022 Pages 50 of 8 and 60 of 8 ID# 210 and 211. Included, The District Court has issued a Miscellaneous Order Document 3, Filed 12/14/2022 No: 1:22-MC-49 to hide the truth SEE Appendix 1. The Fourth Circuit Court of Appeals wants to deny and overlook Judge Groh's Actions and they have done it 25 times SEE Judicial Complaint Order No 04-90179 and 04-22-90189 Filed Dec 7 2022. Both of these orders were issued in a two week period SEE Appendix 2. SEE *US v. Tw* [REDACTED] 634,640 (7th Cir 1975) While a criminal trial is not a game in which the participants are expected to enter therein with a near match of skills. Neither is it a sacrifice of unarmed prisoners to gladiators. *SEC & LAW ENFORCEMENT v. CAREY*, 737 F.2d 1271 (2nd Cir 1984) "Sec quis custodiet ipsos custodes?" (But who is to guard the guards themselves?)

- continued -

Reason for Granting Petition - CONTINUED -

The Supreme Court the reiterates, 67 years later, that "We are bound to interpret the Constitution in the light of law as it existed at the time it was adopted. Again, the Supreme Court explains, 10 years later that" SEE CASE LAW Mattox v. United States, 156 US 237, 243 (1895)

The Constitution is a written instrument. As such its meaning does not alter. That which it meant when it was adopted, it means now. Any other rule of construction would abrogate the judicial character of this court, and make it the reflex of the [REDACTED] opinion or passion of the day.

To determine the extent of the grant of power, we must therefore, place ourselves in the position of the men who framed and adopted the Constitution, and inquire what they must have understood to be the meaning and scope of those grants. SEE CASE LAW South Carolina v. United States, 199 US 437, 448-450 (1905) (IE. JEFFERSON AND MADISON), "to speak of."
(This is what you said.)

Reason for Granting

It would be a dereliction of duty if the Supreme Court did not correct the extraordinary actions of Chief Judge Gina M. Groh signing a Judgement Order during "Bad Behavior" Not "Good Behavior" according to Article III Section 1 of the US Constitution. (Confirmed by Document 43 Appendix E by Federal Mag Judge Cheryl A. Eiten, that is truly extraordinary when one of your peers tells the truth about one superior's actions, clearly only happens 1 and a million, million to 1 average the Supreme Court does not get this ever proved beyond a reasonable doubt that a Chief Federal Judge Gina M. Groh has violated the Judiciary Act of 1789 Section 8 and the US Constitution "Article III Section 1" proven by a Magistrate Federal Judge. This is true worthy of a ruling by you because it is truly extraordinary. SAE (Violated the US Constitution.)

Respectfully
Gregory R. Clinton

NOTE: The Supreme Court must correct Document 205 Case No 3:17-cv-5 Filed 8/29/2018 by removing the Terminated Court 1. (I.E. Erroneous Act)

Writ of Mandamus

Reason for Granting this ~~Petition~~ Continued

As you can see in Appendix D the district court does not want to rule on 31983 civil complaint the Court of Appeals will not rule on Appeal No 22-6493 because it has no jurisdiction because it ordered the District Court to rule under a Motion timely presented to it Rule 60(b) and the District Court Chief Judge Gina M. Broh will not rule on it because it would ruin her and disbar her for her erroneous and flawed actions in case No 3:17-cr-5 and the Order Appendix B wants me to forget about the Termination of Court 1 which is the basis for the District Court Jurisdiction and Subject-Matter Jurisdiction in case No. 3:17-cr-5 they don't want Judge Broh to take responsibility of her actions and the sham. So the collusion is formed by fellow members of the bar to protect one of their own, like Mag Judge Eibert stated in document 43 all these things are OK, because Judge Broh has Judicial Immunity, which is not true proven by her own findings page 5058 and 6068 of Document 43 Appendix E. This has to be the forming of New Law. Documented Proof of Treason. From one Federal Judge against Another. 22-6493 is a Habeas Filed 6/10/2022 Court of Appeals.

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Note:

I am a Pro Se Litigant SEE Appendix 2 proven by Court Order. I filed 25 Judicial Complaints SEE Appendix 1 All denied, but not Document 43 validates my complaints, but District Court and Fourth Circuit Court of Appeals Chief Judges want to protect Chief Judge Gina M. Broh's ERRONEOUS (I.E. WRONG) AND GRAVE (I.E. SERIOUS) PROCEDURAL ERRORS. Proven by Document 43 page 5068 and 6068 case No 5:22-cv-230 Appendix E composed by a Federal Magistrate Judge Cheryl A. Eitert assigned by Chief Judge Thomas A. Johnson assigned by Chief Judge Roger Gregory of the Fourth Circuit Court of Appeals he is one of the Judges who Denied multiple Judicial Complaints - the Supreme Court must presume something got his attention.

CONCLUSION

This has gone on too long and EVERY Document the Judge Broh has signed is Void until Document 205 is corrected. 6/2/23

The petition for a writ of mandamus should be granted.

THE DOCUMENTS SPEAK FOR THEMSELVES. If not, what do you compose them for? Can you handle the Truth?

Respectfully submitted,

Gregory K. Benton

Date:

MARCH 3, 2023

THE JUDICIAL POWER VESTED BY CONGRESS CAN ONLY BE VESTED DURING "GOOD BEHAVIOR" ARTICLE III SECTION 1 US CONSTITUTION (YOUR RULE NOT MINE) Judge Broh is a ARTICLE III JUDGE. Just follow the Rule.

It's just that simple to me. SEE NORFLEET V. WALKER 634 F3d 688 (7th Cir 2012) Pro Se Litigants can be excused from full compliance with technical procedural rules provided there is substantial compliance.

Tracking No 7022 2410 0003 5359 9303